

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7381

BILL NUMBER: HB 1578

NOTE PREPARED: Jan 12, 2009

BILL AMENDED:

SUBJECT: GPS Monitoring and Restraining Orders.

FIRST AUTHOR: Rep. Dembowski

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It authorizes a court or the parole board to require a person to wear a GPS tracking device as a condition of pretrial release, probation, or parole if the court or parole board has prohibited the person from having contact with an individual.
- B. It permits a court to require a person who is subject to an order of protection to wear a GPS tracking device if the court finds by a preponderance of the evidence that the person represents a credible threat to the safety of the individual or a member of the individual's household on whose behalf the order of protection is issued.
- C. It provides that if a court or the parole board orders GPS tracking, the court or parole board shall require, if available, the use of a GPS tracking device with victim notification capabilities.
- D. It requires the Judicial Conference of Indiana and the Department of Correction to provide an annual report to the General Assembly until 2013 concerning GPS tracking.

Effective Date: July 1, 2009.

Explanation of State Expenditures: This bill would have an indeterminable impact since requiring certain parolees to wear a GPS monitoring device would be discretionary. Any added costs will depend on the number of parolees that the Parole Board orders to wear GPS monitoring devices.

As an illustration, LSA estimates that 1,104 parolees could be ordered to wear a GPS device. The cost to order these parolees to wear GPS monitoring equipment could be as high as \$6.31 M if the Department of Correction (DOC) pays the entire cost of monitoring and all parolees are required to wear the device.

Background Information-

To estimate the possible number of offenders on parole who could be required to wear a GPS monitoring device as proposed by this bill, LSA used a variable in DOC's offender database that indicates if an individual, most likely the victim, requested to be notified when an offender was released from prison. On December 15, 2008, individuals requested to be notified when 1,104 of a total of 10,547 parolees (or 10%) were released from prison.

Unless the Parole Board can order an offender to pay the costs of the monitoring equipment and services under current rules, the state General Fund would pay the costs of monitoring the offender. The estimated costs could be \$6.31 M for all of the parolees.

Estimated Cost (in Millions) of Placing Offenders on Parole with No Contact Order On GPS Monitoring						
Offenders on Parole		Daily Cost *		days/year		Cost in Millions
1,017	x	\$17	x	365	=	\$6.31
* See estimated costs in the next table.						

Estimating the Costs of GPS Monitoring – Any added costs will depend on the type of monitoring system that the parole board or court orders. Electronic monitoring systems can track whether offenders who are assigned to house arrest are currently in their homes. More advanced and more expensive global positioning monitoring systems (GPS) can detect whether offenders are in areas outside of their homes that they are not permitted to enter. Areas that offenders are not permitted to enter are called exclusion zones. For sex offenders, exclusion zones include playgrounds, parks, schools and the victim's home and place of work. For other offenders, exclusion zones generally include where victims live, work, and frequent.

To estimate the cost of ordering persons to wear GPS monitoring devices, LSA used the costs reported by the DOC when it contracted with St. Joseph and Vanderburgh Counties to monitor sex offenders on parole. (See *Indiana Department of Correction: 2007 Researched Cost of Global Positioning Systems Submitted to the Legislative Council.*)

The following tables shows the cost components of GPS monitoring of offenders.

Estimated Cost of GPS Monitoring		
<u>Components</u>	<u>Description</u>	<u>Cost Per Day</u>
Equipment	Includes ankle bracelets and other electronic equipment.	\$8.00
Staff surveillance	Screening offenders, installing equipment, training parolees on appropriate use of equipment, retrieving equipment at the end of parolees' participation, conducting risk needs assessment before and after the program was implemented, and entering exclusion zone data into the software, monitoring enrolled offenders.	\$9.00
Staff response	More staff are needed to monitor offenders movements and to respond to alerts when offenders are in exclusionary zones during off hours and on weekends	Not determined
Total Cost Per Day		\$17.00

Note: DOC indicated that to effectively monitor sex offenders on parole more staff would be needed to monitor offenders during the hours between 5 p.m. and 8 a.m. during the week and on weekends. The added costs of more staff to monitor and respond to offender violations during these off hours is not included in this analysis. Consequently, \$17 per day would likely be an underestimate of the total costs of furnishing GPS services. The costs to develop a response team are difficult to estimate since no county or statewide system is currently available. A response team would require staff to monitor where offenders are currently located and to contact the staff assigned to monitor these offenders.

New Reports to be Prepared for the Indiana General Assembly – Both the Department of Correction and the Indiana Judicial Conference are to report to the General Assembly annually on the how the trial courts and the Department of Correction uses electronic monitoring. This would require more duties for existing staff.

Explanation of State Revenues:

Explanation of Local Expenditures: Because GPS monitoring would be discretionary to the court, the bill would have an indeterminable impact on local expenditures. As an illustration, the estimated cost of ordering GPS monitoring could be as high as \$17.65 M, statewide, depending on what proportion of the costs of GPS monitoring that the courts would pay and on the number of individuals for whom the court chooses to require monitoring.

Besides parolees, there are three groups that could also be affected by this bill: (1) offenders on probation, (2) respondents to protective orders, and (3) persons arrested and released from jail on bail. Information is available to estimate the number of offenders on probation and respondents to a protective order who could be ordered to be on GPS. No information is available on the number of persons who have been arrested and are on bail awaiting trial who might be required to refrain from contact with a victim.

For probationers and persons who have been issued protective orders, LSA uses an estimated number based on the assumptions shown in the following table.

Potential Number of Persons Who Could Require GPS Monitoring				
Offenders on Probation (1)		Persons Issued a Protective Order (2)		Total Number
1,829	+	1,016	=	2,845
Notes: (1) Offenders on Probation – On December 31, 2007, there were 52,144 felony offenders on probation. Of these, 18,289 were classified as “high risk” for re-offending. LSA assumes that, <i>like the population on parole</i> , 10% or 1,829 might require GPS monitoring. (2) In CY 2007, the number of persons who are in protective order registries was 10,159. LSA assumes that 10% will be ordered to wear GPS monitoring equipment.				

The added costs to court budgets could be as high as \$17.65 M, depending on how much of the cost that the courts are willing to pay and the number of individuals that the court requires monitoring, as the following table shows.

Estimated Costs (in Millions) of Ordering GPS Monitoring				
Number of Persons		Annual Cost		Estimated Annual Cost (in Millions)
2,845	x	\$6,205	=	\$17.65

Explanation of Local Revenues:

State Agencies Affected: DOC; Indiana Parole Board; Indiana Judicial Conference.

Local Agencies Affected: Trial courts; probation staff.

Information Sources: DOC Offender Data Bases; *Indiana Department of Correction 2007 Researched Cost of Global Positioning Systems Submitted to the Legislative Council*; Indiana Probation Report, 2007; *Indiana Judicial Report*, 2007; JTAC data base (for number of persons with protection orders).

Fiscal Analyst: Mark Goodpaster, 317-232-9852.